

ORDINANCE NO. 3953

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING SECTIONS 12.025 AND 12.240 RELATING TO COUNTY ORGANIZATIONAL STRUCTURE AND AMENDING AND REPEALING VARIOUS SECTIONS AND SUBSECTIONS OF CHAPTER 6 OF DIVISION 3 OF TITLE 1 OF THE SAN BERNARDINO COUNTY CODE, RELATING TO COMPENSATION AND BENEFITS OF EXEMPT AND OTHER UNREPRESENTED OFFICERS AND EMPLOYEES.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Subsection 12.025 of the San Bernardino County Code is amended, to read:

12.025 Employment of Assistants.

The Administrative Officer may appoint and employ assistants and other employees and assign them to various duties prescribed in this County Code. The positions of such assistants and other employees shall be authorized by the Board of Supervisors, and they shall be employed under the provisions of the County Civil Service System except that the Assistant County Administrative Officer and the Assistant County Administrators shall be County Officers in the Unclassified Service. Such assistants shall include two Assistant County Administrators and an Assistant County Administrative Officer.

The Administrative Officer shall also be the appointing authority for the Directors of Human Resources, Information Services and Risk Management. These officers shall serve in the Unclassified Service as provided in section 12.240. The Administrative Officer shall provide general supervision for these positions; however, such supervision may be assigned to the Assistant County Administrative Officer or an Assistant County Administrator.

1 SECTION 2. Subsection 12.240 of the San Bernardino County Code is
2 amended, to read:

3 **12.240 Departments, County Officer Status.**

4 There are in the County of San Bernardino the following departments, the
5 heads of which shall be County Officers in the Unclassified Service.

6 Aging and Adult Services

7 Agriculture/Weights and Measures

8 Airports

9 Architecture and Engineering

10 Arrowhead Regional Medical Center

11 Assessor

12 Auditor/Controller-Recorder

13 Behavioral Health

14 Children's Services

15 Child Support

16 Clerk of the Board of Supervisors

17 Community Development and Housing

18 County Administrative Office

19 County Clerk

20 County Counsel

21 District Attorney

22 Facilities Management

23 Fleet Management

24 Human Resources

25 Information Services

26 Land Use Services

27 Library

28 Museum

1 Preschool Services
2 Probation
3 Public Defender
4 Public Health
5 Public Works
6 Purchasing
7 Real Estate Services
8 Registrar of Voters
9 Risk Management
10 Sheriff-Coroner
11 Superintendent of Schools
12 Transitional Assistance
13 Treasurer-Tax Collector-Public Administrator
14 Veterans' Affairs
15 Workforce Development

16
17 SECTION 3. Subsection 13.062(a) of the San Bernardino County Code is
18 amended, to read:

19 **13.062 Basic Salary Schedules.**

20 (a) Except as expressly stated in this Chapter, each salary range shall
21 have eleven (11) steps labeled as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. The salary
22 schedule shows the hourly, approximate biweekly, and approximate monthly rate for each
23 step in the salary range. In addition, the schedule shows the approximate annual salary.
24 The biweekly, monthly and annual rates are computed on the basis of full-time
25 employment.

26 Upon approval by the Board of Supervisors, an extended salary
27 grade may be established which contains more than eleven (11) steps. At the time an

extended salary grade is approved, the salary level and the number of steps contained in the extended salary grade shall also be established.

The salary schedules for General and Exempt employees effective June 25, 2005, June 24, 2006, and June 23, 2007, are as on file with the Clerk of the Board of Supervisors.

SECTION 4. Subsection 13.064(b) of the San Bernardino County Code is amended, to read:

13.064 List of Classifications.

(b) EXEMPT CLASSIFICATIONS.

Salary ranges shall be increased three percent (3%) effective June 25, 2005, three percent (3%) effective June 24, 2006, and three percent (3%) effective June 23, 2007. The County Administrative Officer may direct classification and salary studies during these years based upon recruitment and retention needs in his discretion.

EXEMPT – EXECUTIVE COUNTY ADMINISTRATORS

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Agricultural Commissioner/Sealer	B	\$109,973	\$116,104	\$119,587
Assistant County Administrative Officer	A	\$168,146	\$177,520	\$182,846
Assistant County Administrator, Human Services	A	\$168,146	\$177,520	\$182,846
Assistant County Administrator, Public and Support Services Group	A	\$168,146	\$177,520	\$182,846
Chief Information Officer	A	\$144,849	\$149,194	\$153,670
Chief Probation Officer	B	\$137,279	\$144,932	\$149,280
Clerk of the Board of Supervisors	B	\$113,468	\$116,872	\$120,378
County Administrative Officer	A	\$237,921	\$245,059	\$252,410
County Clerk		\$8,956	\$9,225	\$9,501
County Counsel	A	\$187,933	\$193,571	\$199,378
County Librarian	B	\$122,880	\$129,731	\$133,623
Director of Aging and Adult Services	B	\$107,504	\$123,600	\$127,308
Director of Airports	B	\$119,893	\$126,577	\$130,374
Director of Architecture and Engineering	B	\$124,968	\$128,717	\$132,579
Director of Arrowhead Regional Medical Center	A	\$208,995	\$215,265	\$221,723

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Director of Behavioral Health	B	\$145,738	\$150,110	\$154,613
Director of Central Collections		\$13,375	\$13,776	\$14,190
Director of Child Support	B	\$134,640	\$138,679	\$142,840
Director of Children's Services	B	\$118,527	\$138,679	\$142,840
Director of Community Development and Housing	B	\$122,150	\$125,815	\$129,589
Director of County Museum	B	\$112,545	\$115,921	\$119,399
Director of County Safety and Security		\$25,075	\$25,827	\$26,602
Director of Facilities Management	B	\$111,473	\$117,688	\$121,219
Director of Fleet Management	B	\$102,667	\$108,390	\$111,642
Director of Human Resources	A	\$156,558	\$165,286	\$170,245
Director of Land Use Services	B	\$132,843	\$136,828	\$140,933
Director of Preschool Services	B	\$115,562	\$123,600	\$127,308
Director of Public Works	B	\$154,925	\$163,562	\$168,469
Director of Purchasing	B	\$101,502	\$104,547	\$107,683
Director of Real Estate Services	B	\$107,780	\$113,809	\$117,223
Director of Regional Parks	B	\$117,023	\$120,534	\$124,150
Director of Risk Management	B	\$118,000	\$121,540	\$125,186
Director of Transitional Assistance	B	\$125,375	\$138,679	\$142,840
Director of Veterans' Affairs	B	\$92,972	\$98,155	\$101,100
Director of Workforce Development	B	\$112,874	\$119,166	\$122,741
Executive Director/Chief Investment Officer, SBCERA	A	\$204,000	\$210,120	\$216,424
Public Defender	B	\$167,006	\$172,016	\$177,177
Public Health Director	B	\$144,361	\$150,110	\$154,613
Redevelopment Administrator	B	\$122,150	\$125,815	\$129,589
Registrar of Voters	B	\$117,023	\$120,534	\$124,150

EXEMPT – ASSOCIATE COUNTY ADMINISTRATORS

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Administrative Analyst I	D	56	56	56
Administrative Analyst II	D	66	66	66
Administrative Analyst III	C	71	71	71
Administrative Analyst Trainee	D	45	45	45
ARMC Business Development Officer	C	68	68	68
ARMC Chief Compliance Officer	C	75	75	75
ARMC Chief Financial Officer	C	88	88	88
ARMC Chief Operating Officer	C	98	98	98
Assistant Agricultural Commissioner/Sealer	C	69	69	69

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Assistant Assessor	B	82	82	82
Assistant Auditor/Controller-Recorder	B	82	82	82
Assistant Chief Information Officer	C	83	83	83
Assistant County Counsel	B	96	96	96
Assistant County Librarian	C	73	73	73
Assistant Director of Airports	C	73	73	73
Assistant Director of Collections	C	76	76	76
Assistant Director of Behavioral Health	C	80	80	80
Assistant Director of Risk Management	C	77	77	77
Assistant District Attorney	B	96	96	96
Assistant Hospital Administrator-Behavioral Health	C	75	75	75
Assistant Hospital Administrator-Nursing Services	C	75	75	75
Assistant Public Defender	C	94	94	94
Assistant Registrar of Voters	C	74	74	74
Assistant Sheriff	C	89	89	89
Assistant Treasurer-Tax Collector	B	82	82	82
Associate Administrative Officer	B	88	88	88
Associate Hospital Administrator-Patient Services	C	80	80	80
Associate Hospital Administrator-Professional Services	C	80	80	80
Auditor/Controller Division Chief	C	76	76	76
Auditor/Controller Manager	C	71	71	71
Auditor/Controller-Recorder Project Administrator	C	57	57	57
BOS Administrative Analyst	B	71	71	71
BOS Chief of Staff	B	80	80	80
BOS Systems Analyst	D	60	60	60
Building Official	C	75	75	75
Cash Manager/Investment Officer	C	76	76	76
Chief Appraiser	C	76	76	76
Chief Building Construction Engineer	C	77	77	77
Chief Compliance Officer, Behavioral Health	C	70	70	70
Chief Counsel, SBCERA	B	96	96	96
Chief County Compliance and Ethics Officer	C	80	80	80
Chief Deputy Clerk of the Board of Supervisors	C	67	67	67
Chief Deputy County Counsel	C	92	92	92
Chief Deputy County Museum	C	65	65	65
Chief Deputy District Attorney	C	92	92	92

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Chief Deputy Public Defender	C	90	90	90
Chief Deputy Recorder	C	76	76	76
Chief Deputy Registrar of Voters	C	65	65	65
Chief Learning Officer	C	78	78	78
Chief of Assessment Services	C	76	76	76
Chief of Clinical Operations	C	71	71	71
Chief of Community Health & Nursing Services	C	80	80	80
Chief of County Counsel's Administration	C	70	70	70
Chief of District Attorney's Administration	C	70	70	70
Chief of Environmental Health Services	C	80	80	80
Chief of Network Services	C	79	79	79
Chief of Public Defender's Administration	C	70	70	70
Chief Public Health Medical Officer	C	89	89	89
Chief Public Works Engineer	C	82	82	82
Chief SBCERA Fiscal Services	C	80	80	80
Chief SBCERA Information Services	C	75	75	75
Chief SBCERA Member and Administrative Services	C	81	81	81
Chief, Tax Collections Division	C	76	76	76
Child Support Chief Attorney	C	84	84	84
Children's Network Officer	C	67	67	67
Code Enforcement Division Chief	C	75	75	75
County Counsel Research Attorney I	C	62	62	62
County Counsel Research Attorney II	C	71	71	71
County Surveyor	C	82	82	82
Departmental IS Manager	C	75	75	75
Deputy Administrative Officer	B	83	83	83
Deputy Chief of Network Services	C	73	73	73
Deputy Chief Probation Administrator	C	77	77	77
Deputy Chief Probation Officer	C	81	81	81
Deputy County Counsel I	C	62	62	62
Deputy County Counsel II	C	71	71	71
Deputy County Counsel III	C	78	78	78
Deputy County Counsel IV	C	84	84	84
Deputy County Counsel V	C	87	87	87
Deputy Director of Alcohol and Drug Abuse Program Services	C	74	74	74
Deputy Director, Behavioral Health Administrative Services	C	74	74	74

	TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
1					
2					
3	Deputy Director, Behavioral Health Program Services	C	76	76	76
4	Deputy Director, Child Support	C	71	71	71
5	Deputy Director, Children's Services	C	71	71	71
6	Deputy Director, DAAS	C	71	71	71
7	Deputy Director, Community Development and Housing	C	74	74	74
8	Deputy Director, Preschool Services	C	71	71	71
9	Deputy Director, Program Development	C	71	71	71
10	Deputy Director, Sheriff's Coroner Division	C	75	75	75
11	Deputy Director, Transitional Assistance	C	71	71	71
12	Deputy Director, Workforce Development	C	74	74	74
13	District Attorney Chief Investigator	C	83	83	83
14	Economic Development Division Chief	C	74	74	74
15	EMACS Manager	C	71	71	71
16	Employee Relations Chief	C	85	85	85
17	Ethics Resource Officer	D	64	64	64
18	Field Representative	B	63	63	63
19	Franchise Programs Analyst	C	65	65	65
20	Health Officer	C	96	96	96
21	HSS Auditing Manager	C	75	75	75
22	HSS Program Integrity Division Chief	C	71	71	71
23	Human Resources Analyst I	D	58	58	58
24	Human Resources Analyst II	D	65	65	65
25	Human Resources Analyst Trainee	D	47	47	47
26	Human Resources Division Chief	C	77	77	77
27	Human Resources Officer I	C	65	65	65
28	Human Resources Officer II	C	71	71	71
29	Human Resources Officer III	C	74	74	74
30	Human Resources Section Manager	C	73	73	73
31	Information Services Division Chief	C	79	79	79
32	Information Services Security Officer	C	68	68	68
33	Labor Relations Analyst	D	54	54	54
34	Payroll Supervisor	C	67	67	67
35	Planning Division Chief	C	75	75	75
36	Principal Administrative Analyst	C	75	75	75
37	Public Health Division Chief	C	80	80	80
38	Public Information Officer	B	75	75	75
39	Real Estate Services Manager	C	67	67	67
40	Risk Assessment Officer	C	70	70	70
41	SBCERA Benefits Officer	C	69	69	69
42	SBCERA Investment Officer	B	85	85	85
43	Sheriff's Administrative Manager	C	70	70	70
44	Sheriff's Captain	C	79	79	79

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Sheriff's Deputy Chief	C	84	84	84
Sheriff's Financial Manager	C	70	70	70
Sheriff's Health Services Manager	C	75	75	75
Small Business Development Manager	C	69	69	69
Solid Waste Management Division Manager	C	82	82	82
Supervising Deputy County Counsel	C	88	88	88
Systems Development Division Chief	C	75	75	75
Systems Support Division Chief	C	75	75	75
Treasurer-Tax Collector Finance Officer	C	76	76	76
Treasurer-Tax Collector Project Administrator	C	57	57	57
Undersheriff	B	94	94	94

EXEMPT – EXECUTIVE ASSISTANTS

TITLE	BENEFIT GROUP	SALARY EFFECTIVE 6/25/05	SALARY EFFECTIVE 6/24/06	SALARY EFFECTIVE 6/23/07
Administrative Aide (Unclassified)	C	57	57	57
County Counsel Law Clerk (Unclassified)	C	58	58	58
County Counsel Lead Secretary	D	48	48	48
County Counsel Paralegal	D	50	50	50
Executive Assistant	D	57	57	57
Executive Assistant to District Attorney (Classified)	D	57	57	57
Executive Assistant, SBCERA (Unclassified)	C	51	51	51
Executive Secretary I	D	40	40	40
Executive Secretary II	D	45	45	45
Executive Secretary III (Classified)	D	48	48	48
Executive Secretary III (Unclassified)	C	48	48	48
Executive Secretary, Board of Supervisors (Unclassified)	C	50	50	50
Sheriff's Special Assistant (Unclassified)	C	57	57	57

SECTION 5. Subsection 13.0613(a)(1) of the San Bernardino County Code is amended, to read:

13. 0613 Exempt Group Working Conditions.

(a) SALARY RATES AND STEP ADVANCEMENTS.

1 (1) Eligibility For Step Advancement. New employees shall be
2 hired at Step 1 of the established base salary range, except as otherwise provided in this
3 section. Variable entrance steps may be established if justified by recruitment needs
4 through Step 5 with the approval of the appointing authority and through Step 11 with the
5 approval of the Director of Human Resources.

6 Within the base salary range, all step advancements will be
7 made at the beginning of the pay period in which the employee completes the required
8 number of service hours. However, when an employee reaches the required number of
9 service hours with eighty (80) service hours in each pay period, the step advance will be
10 made at the beginning of the next pay period. Approval for advancement shall be based
11 upon completion of required length of service hours in the classification, satisfactory work
12 performance, and appointing authority recommendation.

13 Completed service hours shall be defined as regularly
14 scheduled hours in a paid status, up to eighty (80) hours per pay period. Overtime hours,
15 disability payments, Medical Emergency Leave, and time without pay shall not count
16 toward step advancements. Step advancements within a base salary range shall be
17 based upon two (2) step increments. The employee shall be eligible for the first step
18 advancement after completion of one thousand and forty (1,040) hours and subsequent
19 step advancements after completion of additional increments of two thousand and eighty
20 (2,080) hours.

21
22 SECTION 6. Subsection 13.0613(a)(3)(C) of the San Bernardino County
23 Code is amended, to read:

24 **13. 0613 Exempt Group Working Conditions.**

25 (a) SALARY RATES AND STEP ADVANCEMENTS.

26 (3) Implementation of Classification Study Results.

27 (C) Salary Rate Adjustment. A salary rate (equity)
28 adjustment is a change in the salary range assignment of an existing classification as a

1 result of a compensation study. Step placement for incumbent employees whose
2 classification is assigned to a higher base salary range shall be determined as follows,
3 unless this process is waived by the County Administrative Officer:

4 (I) If the employee's original base rate of pay is less
5 than Step 1 of the newly designated pay range, the employee shall be placed on Step 1
6 of the new range. The employee shall be eligible to advance to the next step upon
7 receiving a satisfactory rating on the employee's next annual performance evaluation, in
8 accordance with the requirements of subsection 13.0613(a)(1). Subsequent step
9 advances shall be administered in accordance with subsection 13.0613(a)(1).

10 (II) If the employee's original base rate of pay falls
11 within the newly designated pay range, and the salary adjustment granted is at least two
12 salary ranges, the employee shall be placed upon the step in the new range that is
13 approximately a five percent (5%) salary increase, not to exceed the maximum step of the
14 new range. If the employee's original base rate of pay falls within the newly designated
15 pay range, and the salary adjustment granted is less than two salary ranges, the
16 employee shall be placed upon the step in the new range that is approximately a two and
17 one half percent (2.5%) salary increase, not to exceed the maximum step of the new
18 range. The employee shall be eligible to advance to the next step upon receiving a
19 satisfactory rating on the employee's next annual performance evaluation, in accordance
20 with the requirements of subsection 13.0613(a)(1). Subsequent step advances shall be
21 administered in accordance with subsection 13.0613(a)(1).

22
23 SECTION 7. Subsection 13.0613(d)(1) of the San Bernardino County Code
24 is amended, to read:

25 **13. 0613 Exempt Group Working Conditions.**

26 (d) INSURANCE PROGRAMS.

27 (1) Health and Dental Insurance.

1 (A) All eligible employees scheduled to work forty (40)
2 hours or more per pay period in a regular position must enroll in a health and dental plan
3 offered by the County. Employees who fail to elect health and dental plan coverage will
4 be automatically enrolled in the health and dental plan with the lowest biweekly premium
5 rates available in the geographical location of the employee's primary residence.

6 (B) To be eligible for County health and dental plan
7 coverage, an employee must be in a regular position scheduled for a minimum of forty
8 (40) hours and have received pay for at least one half plus one hour of scheduled hours
9 or be on approved leave pursuant to the Family Medical Leave Act. Employees on an
10 approved Workers' Compensation claim shall receive Benefit Plan contributions for up to
11 20 pay periods while off work due to that injury. However, after the sixth pay period off
12 work, the employee is no longer eligible for health and dental plan coverage. The
13 employee will have the option of enrolling in COBRA continuation coverage.

14 (C) Enrollment elections must remain in effect for the
15 remainder of the Plan Year unless an employee becomes ineligible for an HMO network
16 service area.

17 (D) Eligible employees may elect to enroll their dependents
18 upon initial eligibility for health and dental insurance. Thereafter, newly eligible
19 dependents may be enrolled within thirty (30) days of obtaining dependent status, such as
20 birth, adoption, marriage, or registration of domestic partnership.

21 (E) Notification of a mid-year qualifying event must be
22 submitted to the Human Resources Employee Benefits and Services Division in
23 accordance with procedures adopted by the County. Employees are responsible for
24 notifying the County within thirty (30) days of dependent's change in eligibility for the
25 County plans.

26 (F) Dependent(s) must be removed mid-Plan year when a
27 dependent(s) becomes ineligible for coverage under the insurance plan eligibility rules, for
28

1 example, divorce, over-age dependent, or gain of coverage on spouse's or domestic
2 partner's employer-provided insurance, or termination of domestic partnership.

3 (G) Premiums for coverage will be automatically deducted
4 from the employee's pay warrant. Failure to pay premiums will result in loss of coverage
5 for the employee and/or the dependents.

6 (H) Employees eligible for health plan coverage who are
7 also enrolled in comparable group health plan sponsored by another employer or are
8 covered by a spouse who is also employed with the County may elect to discontinue
9 enrollment in County-sponsored health plan (opt-out or waive).

10 (I) Employees who, prior to July 9, 2005, elected to
11 opt-out of County-sponsored health plan coverage and continue to opt-out will forfeit the
12 biweekly benefit plan amounts specified in subsection 13.0613(i)(1)(A)(II) and will instead
13 receive the following biweekly Benefit Plan amount: Employees scheduled for 61 to 80
14 hours per pay period shall receive one hundred sixty-one dollars and fifty-four cents
15 (\$161.54) per pay period. Employees scheduled for 40 to 60 hours per pay period shall
16 receive eighty dollars and seventy-seven cents (\$80.77) per pay period. To receive the
17 Benefit Plan amounts under this subsection, the employee must be paid for a minimum of
18 one-half plus one of their scheduled hours. For instance, an employee scheduled to work
19 80 hours must be paid for a minimum of forty-one (41) hours.

20 (II) Employees scheduled to work 61 to 80 hours
21 who, prior to July 9, 2005, elected to waive health plan coverage to a spouse or domestic
22 partner employed by the County and continue to waive will receive two hundred thirty
23 dollars (\$230.00) per pay period; employees scheduled for 40 to 60 hours who waive shall
24 receive one hundred fifteen dollars (\$115.00) per pay period.

25 (III) New "opt-outs" or "waives" (i.e., employees hired
26 after July 1, 2005 or current employees who opt-out or waive effective July 9, 2005 and
27 any time thereafter) scheduled for 61 to 80 hours per pay period will receive forty dollars
28

1 (\$40.00) per pay period; new opt-outs or waives scheduled for 40 to 60 hours shall receive
2 twenty dollars (\$20.00) per pay period.

3 (IV) Elected Officials are not required to enroll in
4 County sponsored health and dental coverage. An Elected Official who does not
5 participate in a County-sponsored health plan will receive a Benefit Plan amount of one
6 hundred sixty-one dollars and fifty-four cents (\$161.54) per pay period.

7 (I) Employees eligible for dental plan coverage who are
8 also enrolled in a comparable group dental plan sponsored by another employer may elect
9 to discontinue enrollment in their County-sponsored dental plan.

10 (J) The rules and procedures for electing to opt-out of
11 County-sponsored health and dental plan coverage are established and administered by
12 the Human Resources Employee Benefits and Services Division.

13 (I) Employees may elect to opt-out of County health
14 and/or dental plan(s) within thirty (30) calendar days of the effective date of coverage of
15 another employer-sponsored group plan. Proof of initial gain of other group coverage is
16 required at the time that opt-out is elected.

17 (II) Employees may elect to opt-out of County health
18 and/or dental plan(s) during an annual open enrollment period. All employees who are
19 newly opting-out during an open enrollment period must provide verification of other group
20 coverage.

21 (III) To continue to opt-out, employees must re-elect
22 the opt-out benefit and certify that they have other group coverage during each annual
23 open enrollment period. Except as required at the initial opt-out election, employees are
24 not required to provide verification of continued coverage unless requested by the plan
25 administrator.

26 (IV) An employee who elects to opt-out of dental plan
27 coverage may not re-enroll in a County-sponsored dental plan for a minimum of two (2)
28 years unless the employee involuntarily loses coverage from the other employer-

1 sponsored group dental plan. Employees who elect to enroll in County dental coverage,
2 for reasons other than involuntary loss of another group sponsored dental plan coverage,
3 may enroll during the open enrollment following completion of the two (2) year dental opt-
4 out restriction. NOTE: a voluntary loss of other group dental insurance may result in a
5 break in dental coverage until the two (2) year mandatory opt-out period is complete.

6 (V) Employees who voluntarily or involuntarily lose
7 their other group health plan coverage must enroll in a County-sponsored health plan
8 within thirty (30) calendar days. Enrollment in the County-sponsored plan will be provided
9 in accordance with the requirements of the applicable plan. If the employee elects to not
10 enroll their eligible dependents, the dependents may only be added at a subsequent
11 annual open enrollment period.

12 (VI) There must be no break in the employee's health
13 plan coverage between the termination date of the other employer group coverage and
14 enrollment in a County health plan. Terms and conditions of the applicable plan will
15 determine the required retroactive enrollment period and premiums required to implement
16 coverage. Failure to notify the County of loss of group coverage within thirty (30) calendar
17 days will require the employee to pay their insurance premiums retroactively on an after-
18 tax basis.

19 (K) An eligible employee whose spouse or domestic partner
20 is also an eligible County employee may elect coverage as a dependent on their spouse's
21 and domestic partner's or, if the employee is age eighteen (18) or younger, on their
22 parent's County health and/or dental insurance plan in lieu of individual employee
23 coverage. This is called a "waiver" to their County spouse's, domestic partner's or parent's
24 County insurance coverage. Such election must be made within 30 calendar days of the
25 employee's, County parent's or the County spouse's or domestic partner's eligibility for
26 County health and dental insurance. During the Plan year, an employee is responsible for
27 notifying the County within thirty (30) days of ineligibility for the waiver; for example, the
28 dependent child turns nineteen (19) or the spouse or domestic partner leaves County

1 employment. Changes will become effective on the first day of the pay period following
2 the receipt and approval of all appropriate documentation. Loss of the spouse's or
3 domestic partner's or parent's County plan coverage will require the employee to
4 immediately enroll in the County health and dental plans. Waivers may be changed during
5 any subsequent annual health and dental open enrollment period.

6 (L) For employees assigned to work in the Needles, Trona,
7 Baker and Ridgecrest work locations, the County will establish a "Needles Subsidy." The
8 Needles Subsidy will be paid by the employee's Department and will be equal to the
9 amount of the premium difference between the indemnity health plan offered in these
10 specific work locations and the lowest cost health plan provided by the County. This
11 Subsidy will be established each year when premiums change for the County-sponsored
12 health plans. The Subsidy will be discontinued when the lowest cost health plan becomes
13 available to the employees.

14
15 SECTION 8. Subsection 13.0613(d)(2) of the San Bernardino County Code
16 is amended, to read:

17 **13. 0613 Exempt Group Working Conditions.**

18 (d) INSURANCE PROGRAMS.

19 (2) Term Life Insurance. The County will pay the premium for a
20 term life policy, the amount of which is based on the eligible employee's scheduled hours.
21 Employees scheduled from 40 to 60 hours per pay period shall receive \$25,000 in
22 coverage. An employee scheduled from 61 to 80 hours shall receive \$50,000 in
23 coverage. Life insurance will become effective on the first day of the pay period following
24 the employee's first pay period in which the employee is paid for one half plus one of their
25 scheduled hours. For example, an employee scheduled for eighty (80) hours must be
26 paid for a minimum of forty-one (41) hours.

27 In accordance with the procedures established by the Human
28 Resources Division Chief, Employee Benefits and Services, eligible employees may

purchase, through payroll deductions, term life insurance in \$10,000 increment amounts to a maximum benefit of \$700,000.

SECTION 9. Subsection 13.0613(e)(1)(J) of the San Bernardino County Code is amended, to read:

13. 0613 Exempt Group Working Conditions.

(e) LEAVE PROVISIONS.

(1) Sick Leave.

(J) Sick Leave Conversion. Employees who hold regular positions in the County service, and who have contributed to the San Bernardino County Employees' Retirement Association retirement system or other public entity retirement system for more than ten (10) years and have not withdrawn the contributions from the system(s), and who separate from County service for reasons other than death or disability retirement shall receive compensation in accordance with the provisions of the Retirement Medical Trust Fund.

For employees with ten (10) years of continuous service from date of hire in a regular position, upon death, the estate of a deceased employee will be paid for unused sick leave balances according to the following formula:

Sick Leave Balance as of Date of Separation	Cash Payment % of Hours of Sick Leave Balance
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 1000 Hours	50%

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to one hundred percent (100%) cash

1 payment of any unused sick leave balances, up to a maximum of one thousand (1000)
2 hours, computed at the then current base hourly rate, if they elect an early retirement in
3 lieu of exhausting such accrued sick leave balances. In no event, shall any employee,
4 except those receiving a disability retirement, receive compensation under this subsection
5 in excess of five hundred (500) hours of pay computed at the then current base hourly
6 rate of said employee.

7 While employed by the County, employees who have
8 contributed to a public sector retirement(s) for over ten (10) years and have not withdrawn
9 the contribution from the system(s) may exchange accrued sick leave hours in excess of
10 two hundred (200) hours for vacation time on the following basis:

11

Sick Leave Balance at Time of Conversion	Sick Leave to Vacation Leave Conversion Ratio
201 to 599 hours	3 sick hours to 1 hour vacation
600 to 799 hours	2.5 sick hours to 1 hour vacation
800 or more hours	2 sick hours to 1 hour vacation

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17
18 Any such exchange must be made in ten (10) hour
19 increments of accrued sick leave under the procedures established by the Director of
20 Human Resources. Employees may elect this exchange once per calendar year,
21

22 SECTION 10. Subsection 13.0613(e)(2)(B) of the San Bernardino County
23 Code is amended, to read:

24 **13. 0613 Exempt Group Working Conditions.**

25 (e) LEAVE PROVISIONS.

26 (2) Vacation Leave.

27 (B) Employees in regular positions scheduled to work
28 eighty (80) hours per pay period shall accrue, on a pro-rata basis, vacation leave for

completed pay periods. Such vacation allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has worked six (6) pay periods from the employee's benefit date. Employees in regular positions paid less than eighty (80) hours per pay period or job shared positions shall receive vacation leave accumulation on a pro-rata basis. There shall be no limit on vacation accruals.

Length of Service from Benefit Date	Annual Vacation Allowance
After 1,600 through 8,320 service hours	80 Hours
Over 8,320 and through 18,720 service hours	120 Hours
Over 18,720 service hours	160 Hours

SECTION 11. Subsection 13.0613(e)(2)(D) of the San Bernardino County Code is amended, to read:

13. 0613 Exempt Group Working Conditions.

(e) LEAVE PROVISIONS.

(2) Vacation Leave.

(D) Prior Service.

New employees hired into the County in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment to a position in the Exempt Group may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the Director of Human Resources or designee. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one (1) year from the employee's hire date.

SECTION 12. Subsection 13.0613(e)(4)(B)(IV) of the San Bernardino County Code is amended, to read:

13. 0613 Exempt Group Working Conditions.

(e) LEAVE PROVISIONS.

(4) Special Leaves of Absence without Pay.

(B) Type of Leave Absences.

(IV) Medical Leave of Absence.

(i) Definition: A medical leave of absence up to one (1) year may be granted to employees with regular status who suffer from an illness or serious mental illness. Such leave of absence will be granted only after the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and/or Pregnancy Disability Leave (PDL) provisions of the Fair Employment and Housing Act (FEHA) have been exhausted. The employee is responsible for providing documentation from a qualified health practitioner prior to approval. The County retains the right to request medical documentation regarding the employee's continued incapacity to return to work.

The employee will be removed from his/her position so that the department may fill behind the employee. Retirement contributions shall remain in the system and cannot be requested for distribution until the expiration of the leave. The employee shall be eligible to purchase medical benefits pursuant to federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

Upon the employee's ability to return to work or the expiration of the leave of absence, whichever comes first, the employee will have the right to return to the classification within the department from which he/she took a leave of absence when a funded vacancy for which the employee meets the qualifications is available. If the employee does not return to work by the expiration date of the leave, or the soonest date after that for which the department has a vacancy, the

1 employee relinquishes the right to return. The employee will serve a new probationary
2 period with no right to return to former classification.

3 (ii) Benefits upon return. Upon return from a
4 medical leave of absence, the employee shall retain hire date and benefit date for
5 purposes of leave accruals and step advances, except that the benefit date will be
6 advanced for the period of time the employee is on the medical leave of absence.

7
8 SECTION 13. Subsection 13.0613(e)(4)(B)(V) of the San Bernardino
9 County Code is amended, to read:

10 **13. 0613 Exempt Group Working Conditions.**

11 (e) LEAVE PROVISIONS.

12 (4) Special Leaves of Absence without Pay.

13 (B) Type of Leave Absences.

14 (V) Medical Emergency Leave. The particulars of the
15 Medical Emergency Leave policy are as follows:

16 (i) The employee must have regular status
17 with the County or one (1) year of continuous service in a regular position with the County.

18 (ii) The employee must meet all of the
19 following criteria before he or she becomes eligible for Medical Emergency Leave
20 donation: (1) be on an approved medical leave of absence for at least thirty (30) calendar
21 days (160 working hours) exclusive of an absence due to a work related injury/illness; (2)
22 submit a doctor's off work order verifying the medical requirement to be off work for a
23 minimum of thirty (30) calendar days (160 working hours); (3) have exhausted all useable
24 leave balances prior to initial eligibility – subsequent accruals will not affect eligibility; and
25 (4) have also recorded at least forty (40) hours of sick leave without pay during the current
26 period of disability.

27 (iii) An employee is not eligible for Medical
28 Emergency Leave if he or she is receiving Workers' Compensation benefits. An employee

1 eligible for State Disability Insurance and/or Short-Term Disability must agree to integrate
2 these benefits with Medical Emergency Leave.

3 (iv) Vacation, holiday, administrative leave or
4 annual leave, as well as compensatory time, may be donated by employees only on a
5 voluntary and confidential basis, in increments of eight (8) hours (or in the case of holiday
6 leave only four (4) hours) not to exceed a total of fifty percent (50%) of an employee's
7 annual vacation, holiday, administrative leave, annual leave or compensatory time accrual
8 per employee. The donation may be made for a specific employee on the time frames
9 established by the Human Resources Department. The employee (donee) receiving the
10 Medical Emergency Leave will be taxed accordingly.

11 (v) The donation is to be for the employee's
12 Medical Emergency Leave only; the donation to one (1) employee is limited to a total of
13 one thousand forty (1,040) hours per fiscal year.

14 (vi) The definition of Medical Emergency
15 Leave is an approved Leave of Absence due to a verifiable, long term illness or injury,
16 either physical or mental impairment of the employee. Medical Emergency Leave is not for
17 use to care for a member of the employee's family. Job and/or personal stress (not the
18 result of a diagnosed mental disorder) is specifically excluded for receipt by the employee
19 of Medical Emergency Leave. A statement from the employee's treating physician, subject
20 to review by the Center for Employee Health and Wellness or medical designee, is
21 required.

22 (vii) The employee on an approved Medical
23 Leave of Absence who is receiving Medical Emergency Leave can continue to earn benefit
24 monies per the minimum paid hours per pay period requirement of subsection
25 13.0613(d)(1), or the requirement of the Federal and State Family Leave Acts, as
26 applicable to the individual employee.

1 (viii) An employee receiving leave under this
2 program is not eligible for receipt of any accruals such as vacation, administrative leave,
3 annual leave, sick leave or retirement credit.

4 (ix) Medical Emergency Leave hours will count
5 towards the accountable hours used to determine holiday leave eligibility.

6 (x) Donor hours shall be contributed at the
7 donor's hourly base salary rate and be converted to the donee's hourly base salary,
8 exclusive in both instances of overtime, differentials and the like as the singular purpose of
9 this program is to provide financial assistance.

10 (xi) Any donated time unused by the employee
11 for the medical emergency shall remain in the donee's accruals or shall be returned to the
12 donor employee(s) as follows:

13 (a) Employees who resign or die while
14 on Medical Emergency Leave shall be paid at one hundred percent (100%) of their base
15 hourly rate of pay for all unused Medical Emergency Leave up to 176 hours at time of
16 resignation or death in accordance with payroll procedures established by the County
17 Auditor/Controller. Any unused Medical Emergency Leave in excess of 176 hours shall be
18 returned to the donor(s), in accordance with procedures established by the County.

19 (b) An employee on Medical
20 Emergency Leave who has received the approval of his/her physician and the Center for
21 Employee Health and Wellness to return to full time work shall have all unused Medical
22 Emergency Leave up to 176 hours converted to an equal amount of sick leave which will
23 be available to the employee according to subsection 13.0613(e)(1). Any unused Medical
24 Emergency Leave in excess of 176 hours shall be returned to the donor(s) in accordance
25 with procedures established by the County.

26 (c) An employee on Medical
27 Emergency Leave who has received the approval of his/her physician and the Center for
28 Employee Health and Wellness to return to work on a part time basis (less than the

1 employee's normally scheduled hours of work per pay period) may record a combined total
2 of work time and Medical Emergency Leave not to exceed each pay period the lesser of
3 eighty (80) hours or the employee's normally scheduled hours of work.

4 (xii) The donation shall be administered on a
5 specific basis where so designated with instances charged to the Medical Emergency
6 Leave donation for the actual administrative costs.

7 (xiii) Solicitation of donors shall be regulated by
8 the Human Resources Department, names of donors are to be confidential, and the
9 privacy rights of the donees upheld per legal requirements.

10 (xiv) All donors and donees shall sign release
11 forms designed, retained and effected by the Human Resources Department.

12
13 SECTION 14. Subsection 13.0613(e)(4)(B)(VI) of the San Bernardino
14 County Code is amended, to read:

15 **13. 0613 Exempt Group Working Conditions.**

16 (e) LEAVE PROVISIONS.

17 (4) Special Leaves of Absence without Pay.

18 (B) Type of Leave Absences.

19 (VI) Compulsory Leave. If, in the opinion of the
20 appointing authority, employees are unable to perform the duties of their position for
21 physical or psychological reasons, they may be removed from duty without pay or may use
22 accrued paid leave for which they are eligible. In addition, such employees may be
23 required to submit to an examination by either a physician or other competent authority
24 designated by the Director of Human Resources or designee or by their own physician or
25 practitioner, as appropriate. If the examination report of the competent authority (e.g.,
26 physician, appropriate practitioner) shows the employee to be in an unfit condition to
27 perform the duties required of the position, the appointing authority shall have the right to
28 compel such employee to take sufficient leave of absence with or without pay, to transfer

1 to another position without reduction in compensation, and/or follow a prescribed
2 treatment regimen until medically qualified to return to unrestricted duty. An employee
3 who has been removed from duty for physical or psychological reasons by the appointing
4 authority, and was required to submit to an examination, may not return to duty until such
5 time as medical clearance has been obtained.

6
7 SECTION 15. Subsection 13.0613(e)(4)(B)(XIII) of the San Bernardino
8 County Code is amended, to read:

9 **13. 0613 Exempt Group Working Conditions.**

10 (e) LEAVE PROVISIONS.

11 (4) Special Leaves of Absence without Pay.

12 (B) Type of Leave Absences.

13 (XIII) Bereavement Leave. Employees in regular
14 positions may use up to two (2) days paid leave, not charged to the employee's personal
15 leave balances, per occurrence for bereavement due to the death of the employee's
16 parent, child, spouse or domestic partner, as defined by California Family Code Section
17 297. One (1) additional day shall be granted if the employee travels over one thousand
18 (1,000) miles from his/her residence to the bereavement service(s). This additional day
19 shall not be charged to the employee's personal leave balances. The appointing authority
20 may request verification of distance traveled.

21
22 SECTION 16. Subsection 13.0613(i) of the San Bernardino County Code is
23 amended, to read:

24 **13. 0613 Exempt Group Working Conditions.**

25 (i) HEALTH BENEFITS AND RETIREMENT CONTRIBUTIONS.

26 (1) Health Insurance Contributions.

27 (A) Benefit Plan Contributions.

1 (I) Employees in a regular position scheduled for a
2 minimum of forty (40) hours per pay period are eligible to receive the benefits of this
3 subsection in the amounts described in 13.0613(i)(1)(A)(II) below. Employees must be
4 paid for at least one-half plus one hour of their scheduled hours in order to receive the
5 benefits of this Section. For instance, an employee scheduled to work eighty (80) hours
6 per pay period must be paid at least forty-one (41) hours to be eligible for the benefits of
7 this subsection.

8 (II) Except as provided in subsection 13.0613(d)(1),
9 the bi-weekly amount of the County provided Benefit Plan for employees who participate in
10 County-sponsored health plan coverage will be as follows:

11

Scheduled for 40 to 60 Hours	Scheduled for 61 to 80 Hours
\$115.00	\$230.00

12
13
14

15
16 (III) Under no circumstances will the monetary value
17 of the Benefit Plan be prorated.

18 (IV) Employees who are on an approved Medical
19 Leave of Absence and whose paid hours in a pay period are less than the required
20 number of hours will continue to receive the benefits of this subsection for up to six (6) pay
21 periods per episode of illness or injury. Employees who are on an approved Workers
22 Compensation claim shall receive the benefits of this Section for up to twenty (20) pay
23 periods while off work due to that work injury. Employees who are integrating paid leave
24 time with Short-Term Disability (STD) insurance provided by the County shall receive the
25 benefits of this subsection under the following circumstances: upon election of full
26 integration of disability payments and paid leave time, employees who are paid less than
27 one-half plus one of their scheduled hours but have available leave balances of one-half
28 plus one of their scheduled hours or more shall receive the benefits of this subsection.

1 Employees who are on an approved leave of absence without pay under the Family
2 Medical Leave Act of 1993 will continue to receive the Benefit Plan dollars for up to six (6)
3 pay periods. Employees who are on a leave of absence without pay shall not be eligible to
4 receive the monetary benefits of this subsection unless on a medical leave or a Family
5 Medical Leave Act eligible leave.

6 (B) Section 125 Premium Conversion Plan

7 (I) Eligible employees shall be provided with a
8 Section 125 Premium Conversion Plan. The purpose of the Plan is to provide employees
9 a choice between paying premiums with either pre-tax salary reductions or after-tax payroll
10 deductions for health insurance, dental insurance, voluntary life (to the IRS specified limit)
11 and accidental death and dismemberment insurance premiums currently maintained for
12 Exempt Group employees or any other program(s). The amount of the pre-tax salary
13 reduction or after-tax payroll deduction must be equal to the required insurance premium.

14 (II) Benefit Plan elections shall not reduce earnable
15 compensation for purposes of calculating benefits or contributions for the San Bernardino
16 County Employees' Retirement Association.

17 (III) To be eligible for this benefit, an employee must
18 be in a regular position and be regularly scheduled to work at least forty (40) hours in a
19 pay period or be on an approved leave pursuant to the Family Medical Leave Act.

20 (IV) Election of pre-tax salary reductions and after-tax
21 payroll deductions shall be made within thirty (30) days of the initial eligibility period in a
22 manner and on such forms designated by the Human Resources Employee Benefits and
23 Services Division Chief. Failure to timely submit appropriate paperwork will result in after-
24 tax payroll deductions for all eligible premiums for the remainder of the Plan year.

25 (V) Once a salary reduction has begun, in no event
26 will changes in elections be permitted during the Plan year except to the extent permitted
27 under Internal Revenue Service rulings and regulations with the County's Plan Document.
28 Examples of mid-year qualifying events include: marriage, divorce, birth, adoption, death,

1 over age dependent, loss of student status, you or your spouse's or domestic partner's
2 reduction in work hours, loss of spouse's or domestic partner's employment, gain or loss
3 of spouse's or domestic partner's insurance, relocation outside an HMO network service
4 area, entitlement to Medicare for you or your dependent, significant increase in County
5 insurance cost during the Plan year, loss or gain of Medicare or Medicaid coverage and
6 spouse's, domestic partner's or dependent's open enrollment. The employee must submit
7 request for a change due to a mid-year qualifying event within thirty (30) days of the
8 qualifying event. The Human Resources Employee Benefits and Services Division Chief,
9 or designee, will authorize changes as long as the change is made on account of and
10 consistent with an employee's change in status.

11 (C) Medical and Dental Subsidies.

12 (I) The County will establish a Medical Premium
13 Subsidy (MPS) in an amount that, when combined with the Benefit Plan contributions,
14 would offset the cost of health plan premiums charged to eligible employees. The MPS
15 shall be applied to health insurance premiums only and shall not be applicable to dental
16 plan premiums. The MPS amount payable to each eligible employee shall be based upon
17 the lowest cost high option HMO plan (currently Health Net or a plan equivalent to Health
18 Net) for the number of persons the employee enrolls in the County-sponsored health plan
19 (i.e., "employee only;" "employee + 1;" "employee + 2"). No MPS shall be paid where the
20 Benefit Plan contribution exceeds the amount of the total premium to be paid by the
21 County. The applicable MPS amount shall be paid directly to the provider of the County-
22 sponsored health plan in which the eligible employee has enrolled. The MPS shall not be
23 considered compensation earnable for purposes of calculating benefits or contributions for
24 the San Bernardino County Employees' Retirement Association. In no case, shall the
25 MPS, when combined with the Benefit Plan contributions, exceed the total cost of the
26 health insurance premium for the coverage selected.

27 Effective July 9, 2005, the County will establish a
28 MPS, if applicable, in the following amounts:

	Scheduled for 40 to 60 Hours	Scheduled for 61 to 80 Hours
Employee Only	0	0
Employee + 1	0	0
Employee + 2	\$30.20	\$60.39

Effective July 8, 2006, the County will establish a
MPS, if applicable, in the following amounts:

	Scheduled for 40 to 60 Hours	Scheduled for 61 to 80 Hours
Employee Only	0	0
Employee + 1	\$16.67	\$33.34
Employee + 2	\$58.03	\$116.06

Effective July 7, 2007, the County will establish a
MPS, if applicable, in the following amounts:

	Scheduled for 40 to 60 Hours	Scheduled for 61 to 80 Hours
Employee Only	0	0
Employee + 1	\$36.61	\$73.22
Employee + 2	\$85.36	\$170.71

(II) Effective July 7, 2007, the County will establish a
Dental Premium Subsidy (DPS) for all employees whose premium costs for health and
dental exceeds the Benefit Plan contributions in an amount up to nine dollars forty-six
cents (\$9.46), but not to exceed the combined total of the employee's out-of-pocket
expenses. For example, an employee who selects "employee only" coverage for health
and dental with a combined per pay period premium cost of one hundred thirty-four dollars
(\$134.00) will receive a DPS in the amount of four dollars (\$4.00) per pay period.

(2) Retirement System Contributions.

(A) County Contributions

(I) For all employees, the County will pick up a
portion of the employee's required contribution to the San Bernardino County Employees'

1 Retirement Association (SBCERA) in the amount of seven (7%) of the employee's
2 earnable compensation as defined in the SBCERA bylaws.

3 (II) Additionally, effective June 25, 2005, Exempt
4 employees shall receive the following supplemental amounts biweekly to be applied under
5 this Section: Group A employees, four hundred dollars (\$400.00) per biweekly pay period;
6 Group B employees, two hundred thirteen dollars and sixty-nine cents (\$213.69) per
7 biweekly pay period; Group C employees, one hundred thirty-seven dollars and fifty-four
8 cents (\$137.54) per biweekly pay period; Group D employees, eighty-five dollars and fifty-
9 seven cents (\$85.57) per biweekly pay period. The supplemental amounts designated in
10 this subsection shall be automatically increased in the future in the same percentage
11 amounts as salaries are increased from time to time for all members of the Exempt Group.

12 (III) The employee must choose to have the
13 contributions designated as all employer or all employee contributions for retirement
14 purposes. If the employee designates the pick up as employer contributions, then for
15 each dollar applied, the employee's retirement obligation shall be satisfied in the amount
16 of the actuarial value of that dollar to the Retirement Association as determined by the
17 Board of Retirement, and the employee may not withdraw this contribution from the
18 Retirement Association.

19 If the employee designates the pick up as
20 employee contributions, then for each dollar applied, the employee's retirement obligation
21 shall be satisfied in the amount of one dollar (\$1.00), and upon separation without
22 retirement, an employee may withdraw this contribution from the Retirement Association.
23 Upon retirement or separation, all contributions applied under this Section will be
24 considered for tax purposes as employer-paid contributions.

25 If the employee does not file a designation, the
26 contributions shall be made as employee contributions. Employees receiving Retirement
27 System contributions under the Benefit Plan in effect prior to the effective date of this
28 section shall continue to have contributions under this Section applied (as employer or

1 employee contributions for retirement purposes) in the same manner as previously
2 applied for the employee until a revised designation is made by the employee.

3 Any dollars which are remaining after all Retirement
4 System obligations are fully satisfied shall be paid to the employee in cash.

5 (B) Remaining Employee Contributions.

6 Any employee Retirement System contribution
7 obligations which are not paid by the application of subsection 13.0613(i)(2)(A) above shall
8 be "picked up" for tax purposes only pursuant to this section. The Auditor/Controller-
9 Recorder shall implement the pickup of such Retirement System contributions under
10 Internal Revenue Code Section 414(h)(2) effective with the earning paid and contributions
11 made on and after the effective date of August 12, 1989.

12 The County shall make member contributions under this
13 section on behalf of the employee which shall be in lieu of the employee's contributions
14 and such contributions shall be treated as employer contributions for purposes of reporting
15 and wage withholding under the Internal Revenue Code and the Revenue and Taxation
16 Code. The amounts picked up under this section shall be recouped through offsets
17 against the salary of each employee for whom the County picks up member contributions.
18 These offsets are akin to a reduction in salary and shall be made solely for purposes of
19 income tax reporting and withholding. The member contributions picked up by the County
20 under this section shall be treated as compensation paid to County employees for all other
21 purposes. County paid employer contributions to the County's Retirement System under
22 this section shall be paid from the same source of funds used in paying the salaries of the
23 affected employees. No employee shall have the option to receive the Retirement System
24 contribution amounts directly instead of having them paid to the County Retirement
25 System.

26 Until retirement or separation, all contributions picked up
27 under this section will be considered for tax purposes as employer-paid contributions.
28 Contributions under this section shall be applied (as all employer or all employee

1 contributions with the same value and restrictions) for Retirement System purposes in the
2 same manner as the contributions under subsection 13.0613(i)(2)(A) above.

3 (C) Special Provisions.

4 (I) Employees who have thirty (30) years of service
5 credit and no longer make retirement contributions under the provisions of the County
6 Employees' Retirement Law of 1937 shall be paid in cash seven percent (7%) of earnable
7 compensation as defined by the bylaws of the Retirement Board as well as the
8 supplemental amount under subsection 13.0613(i)(2)(A)(II) above.

9 (II) Employees who are over the age of sixty (60) at
10 the time of hire, and who are in a regular position, and who choose not to be a member of
11 the Retirement Association, shall be enrolled in the County's 401(k) Salary Savings Plan.
12 The County shall pay the applicable percent of the employee's biweekly salary as defined
13 in subsection 13.0613(n) to the Plan, and the employee shall contribute a minimum of
14 three percent (3%) of biweekly salary to the Plan, not to exceed the annual limits of the
15 Plan as defined in the Internal Revenue Code. As these employees are not participating
16 in the Retirement Association, they shall not be eligible for County pickup of seven
17 percent (7%) of earnable compensation. Exception: Those employees hired prior to July
18 1, 1996, and who have been receiving the seven percent (7%) pickup shall continue to
19 receive the pickup as long as they remain an eligible Exempt Group employee. Eligible
20 employees who waive participation in the County's Retirement System shall be eligible to
21 receive the biweekly amounts applied under subsection 13.0613(i)(2)(A)(II).

22 (D) Survivor Benefits.

23 Survivor Benefits are payable to employed general
24 retirement members with at least eighteen (18) months continuous retirement
25 membership pursuant to Government Code section 31855.12. An equal, non-refundable
26 employer and employee biweekly contribution will be paid to SBCERA as provided in the
27 annual actuarial study.

1 (E) Special Provisions for Exempt Safety Employees.

2 The following subsection shall apply to all members of
3 the Exempt Group who are safety members of the San Bernardino County Employees'
4 Retirement Association (SBCERA) as defined in Government Code section 31469.3, on
5 October 1, 2003.

6 Effective October 1, 2003, the County shall adopt a
7 resolution making Government Code section 31664.1 applicable to safety members of the
8 SBCERA. The County shall also adopt a resolution pursuant to Government Code
9 section 31678.2, applying the formula set forth in Government Code section 31664.1
10 applicable to all prior safety service credit for every eligible employee under this
11 subsection.

12 Effective October 1, 2003, employees eligible under this
13 subsection shall be required to pay an additional 2.5% of compensation earnable each
14 pay period into the retirement system, above and beyond the employee contribution rates
15 established by the Board of Retirement.

16 (3) Flexible Spending Account (FSA) for Health Related
17 Expenses.

18 Effective on or about July 17, 1999 (pay period 16/99) the
19 County established a Health Expense Flexible Spending Account (FSA) for Exempt
20 Group employees in regular positions who are regularly scheduled to work forty-one (41)
21 hours or more a pay period. The Health Expense FSA is established in accordance with
22 the provisions of Section 125 of the Internal Revenue Code (IRC). The Human
23 Resources Division Chief, Employee Benefits and Services, will serve as the Plan's
24 Administrator. The Health Expense FSA Plan Year will coincide with the County's Benefit
25 Plan Year. Employees who choose to participate in the Health Expense FSA must
26 complete and submit enrollment forms in accordance with procedures developed by the
27 Plan's Administrator. Eligible employees will be notified of these procedures at least thirty
28 (30) days prior to the beginning of each plan year. Effective July 23, 2005, eligible

1 employees may contribute, on a pre-tax basis, a minimum of ten dollars (\$10.00) and a
2 maximum of one hundred dollars (\$100.00) per biweekly pay period to this flexible
3 spending account. The County will contribute up to twenty dollars (\$20.00) per biweekly
4 pay period, matching employee contributions dollar for dollar, up to twenty dollars
5 (\$20.00) each biweekly pay period. Upon enrolling in the Plan, employees may not
6 change their designated biweekly contribution amount or discontinue making
7 contributions for the remainder of the plan year (until on or about June 30) unless they
8 incur an eligible family status change as defined in Section 125 of the IRC. Section 125
9 also requires that any amounts remaining in an employee's account at the end of the Plan
10 year must be forfeited. The County will use any forfeited amounts to help defray the
11 Plan's administrative expenses. Contributions made to the Health Expense FSA may be
12 used for receiving non-taxable reimbursements of eligible medical and dental expenses
13 not covered by insurance. Eligible reimbursable expenses are those medical and dental
14 expenses that qualify as medical expenses under the Internal Revenue Code.

15 (4) Retirement Medical Trust Fund. A Retirement Medical Trust
16 Fund has been established for Exempt Group employees with ten (10) or more years of
17 participation in the San Bernardino County Employees' Retirement Association
18 (SBCERA) and elected officials. Participation in other public sector retirement systems
19 may also be counted towards the ten-year requirement provided that the employee has
20 not withdrawn their contributions from the system(s) and the employee is also a
21 participant in SBCERA. Employees who wish to receive credit for participation in other
22 public retirement systems must provide the Plan Administrator written evidence of
23 participation and that contributions made to the system(s) have not been withdrawn.

24 The Trust is administered by a Board of Trustees, who
25 manages resources of the Trust and who determines applicable administrative fees for
26 managing the Trust Fund. The Trustees will insure that payments of qualified medical
27 expenses incurred by retirees or their eligible dependents will be appropriately
28 reimbursed. The Trust will establish individual accounts for each participant which will be

1 credited with interest earnings/losses based on the investment performance of the
2 participant's individual account. All of the contributions to the Trust Fund will be treated
3 for tax purposes as employer, non-elective contributions resulting in tax-free contributions
4 and earnings for the participant and tax-free contributions for the County. All of the
5 distributions from the Trust Fund made to retirees or their eligible dependents for the
6 reimbursement of qualified medical expenses as defined by the Internal Revenue Codes
7 (including medical insurance payments) will also be non-taxable to the retiree or the
8 retiree's eligible dependent(s). Effective Pay Period 15, 1999, the County will contribute
9 one-half of one percent (.5%) of an eligible employee's biweekly salary to the Trust and
10 will contribute one percent (1%) of an elected official's biweekly salary to the Trust.

11 At separation from County service for reasons other than
12 death or disability retirement, all eligible employees will be required to contribute the cash
13 value of their unused sick leave balances to the Trust, in accordance with the conditions
14 described below.

15 AMOUNT OF REMAINING 16 SICK LEAVE HOURS	CASH VALUE FORMULA
17 001 TO 399 HOURS	40%
18 400 TO 600 HOURS	50%
19 601 TO 800 HOURS	60%
20 801 TO 1400 HOURS	75%

21 Employees retiring from the County with a disability retirement
22 are not eligible to contribute the cash value of their unused sick leave balances to the
23 Trust. Those employees will be compensated for their unused sick leave in accordance
24 with subsection 13.0613(e)(1)(J).

25 The Trust is a Voluntary Employee Benefit Association (VEBA)
26 and will comply with all the provisions of Section 501(c) (9) of the Internal Revenue Code.
27
28

1 SECTION 17. Subsection 13.0613(j) of the San Bernardino County Code is
2 amended, to read:

3 **13. 0613 Exempt Group Working Conditions.**

4 (j) TUITION REIMBURSEMENT AND MEMBERSHIP DUES.

5 The County shall establish an individual, departmental fund in the
6 amount of one thousand dollars (\$1,000) for each fiscal year commencing FY 2005-2006
7 for each employee in the Exempt Group to reimburse employees for tuition costs incurred
8 for job-related education or career development or to reimburse membership dues in
9 professional organization(s), providing each expenditure enhances furtherance of County
10 or continuing educational goals.

11 Requests for reimbursement must be approved in advance by the
12 appointing authority and shall not be paid in increments less than ten dollars (\$10.00) per
13 fiscal year.

14 The individual department fund is in addition to department budgeted
15 and mandated training and memberships.

16 In addition to the department fund and department mandated
17 training, department heads may, within their discretion, reimburse employees for
18 expenses related to obtaining advance degrees which will advance the employee's career
19 in service to the County. Under this provision, such advanced degrees shall be obtained
20 outside regular work hours, and the employee shall do no productive work for the County
21 while attending the course or courses for which reimbursement is sought.

22
23 SECTION 18. Subsection 13.0613(k) of the San Bernardino County Code
24 is amended, to read:

25 **13. 0613 Exempt Group Working Conditions.**

26 (k) CONDITIONS OF EMPLOYMENT.

27 Unless in the Classified Service, employees in this group serve at the
28 pleasure of their appointing authority.

1 Should a classified employee's position be abolished, the County will
2 make reasonable efforts to place the employee in a comparable County position based
3 upon the employee's skills, knowledges and abilities, as well as consideration for the
4 employee's length of service with the County. If reasonable efforts to place an exempt
5 classified employee in a comparable County position are unsuccessful, the employee
6 shall be subject to layoff by written notification by the appointing authority or the County
7 Administrative Officer, which notification shall be given at least ten (10) working days prior
8 to the effective date of the layoff. An exempt classified employee does not have any
9 bumping rights to other County positions.

10
11 SECTION 19. Subsection 13.0613(l) of the San Bernardino County Code is
12 amended, to read:

13 **13. 0613 Exempt Group Working Conditions.**

14 (l) AUTOMOBILES.

15 (1) The following County officers and employees shall be entitled
16 to have a Category I County vehicle assigned to them for use on County business: the
17 County Administrative Officer, Members of the Board of Supervisors, County Counsel, all
18 Elected Officials, and Executive Director/Chief Investment Officer, SBCERA. All other
19 employees and officers who are eligible for an auto allowance are eligible for a Category I
20 County vehicle under this paragraph with the approval of the County Administrative
21 Officer.

22 Such officers and employees may use such vehicles for
23 occasional personal use provided they reimburse the County at the current motor pool
24 variable rate per mile for such use. Elected officials shall not be required to reimburse for
25 such occasional personal use.

26 Officers and employees who are assigned a Category I vehicle
27 for their use shall have deducted from their compensation the sum of forty-six dollars and
28 seventy-five cents (\$46.75) per biweekly pay period during the time they are assigned

1 such a County vehicle. This deduction shall not apply to elective enforcement department
2 heads serving as peace officers, or public prosecutors or those employees who must, as
3 a condition of employment, or department regulations, use specially equipped County
4 vehicles such as law enforcement.

5 (2) Effective June 25, 2005, the County Administrative Officer,
6 Members of the Board of Supervisors, Assistant County Administrative Officer, Assistant
7 County Administrators, Associate Administrative Officers, Deputy Administrative Officers,
8 Department Heads, Board of Supervisors' Chiefs of Staff, Board of Supervisors' Field
9 Representatives, Board of Supervisors' Administrative Analysts, Public Information
10 Officer, Executive Director/Chief Investment Officer, SBCERA, Chief Counsel, SBCERA,
11 SBCERA Investment Officer, Sheriff-Coroner, Undersheriff, Assistant Sheriffs, Sheriff's
12 Deputy Chiefs, Assistant Auditor/Controller-Recorder, Assistant District Attorney,
13 Assistant Assessor, Assistant Treasurer-Tax Collector, and Assistant County Counsel
14 shall receive a biweekly automobile allowance by choosing either of the following options:
15 basic allowance of two hundred seventy-six dollars and ninety-two cents (\$276.92) per
16 pay period plus reimbursement for mileage on County business in a privately owned
17 automobile at a rate of twenty five cents (25 cents) per mile or a flat allowance of three
18 hundred forty-six dollars and fifteen cents (\$346.15) per pay period with no mileage
19 reimbursement, provided they are not assigned a County vehicle, and they provide a
20 private vehicle for their own use on County business. The First District Supervisor shall
21 receive a fifty percent (50%) addition to either option selected under this subsection.
22 Employees selecting this allowance shall be required to have a vehicle available at all
23 times for use on County business. This allowance shall be considered complete
24 reimbursement for the acquisition, insurance, maintenance, repair, upkeep, fuel, and all
25 other costs for the required vehicle. This automobile allowance provision shall not apply to
26 elected officials who do not have a deduction from their compensation pursuant to
27 subsection 13.0613(l)(1) as a result of being assigned a County vehicle.

1
2 SECTION 20. Subsection 13.0613(n) of the San Bernardino County Code is
3 amended, to read:

4 **13. 0613 Exempt Group Working Conditions.**

5 (n) CONTRIBUTIONS TO SALARY SAVINGS PLAN.

6 Biweekly contributions of Exempt employees to the County's Section
7 401(k) Salary Savings Plan up to three percent (3%) of an employee's biweekly base
8 salary will be matched by a County contribution on the basis of two times the employee's
9 contribution. The County contribution shall not exceed six percent (6%) of an employee's
10 biweekly base salary. Effective June 25, 2005, biweekly contributions of exempt
11 employees in Groups A, B, and C to the County's 401(k) Salary Savings Plan up to three
12 and one-half percent (3.5%) of an employee's biweekly base salary will be matched by a
13 County contribution on the basis of two times the employee's contribution. The County
14 contribution shall not exceed seven percent (7%) of an employee's biweekly base salary.
15 Effective June 24, 2006, biweekly contributions of exempt employees in Groups A, B, and
16 C to the County's 401(k) Salary Savings Plan up to four percent (4%) of an employee's
17 biweekly base salary will be matched by a County contribution on the basis of two times
18 the employee's contribution. The County contribution shall not exceed eight percent (8%)
19 of an employee's biweekly base salary.

20
21 SECTION 21. Subsection 13.0613(r) of the San Bernardino County Code is
22 amended, to read:

23 **13. 0613 Exempt Group Working Conditions.**

24 (r) DEPENDENT CARE ASSISTANCE PLAN.

25 The purpose of this Section 125 Dependent Care Assistance Plan
26 (DCAP) is to permit eligible employees to make an election to pay for certain dependent
27 care expenses with salary reduction from compensation contributed to the Plan before
28 federal income or social security taxes are paid to the Internal Revenue Service ("Salary

1 Reduction”) in accordance with Sections 125 and 129 of the Internal Revenue Code of
2 1986 (IRC) and regulations issued pursuant thereto. DCAP shall be construed to comply
3 with said Code Sections and to meet the requirements of any other applicable provisions
4 of law. DCAP exclusions from gross income do not affect compensation for retirement
5 purposes.

6 DCAP will be administered by the County’s Human Resources
7 Department, Human Resources Division Chief, Employee Benefits and Services
8 consistent with said IRC Sections.

9 (1) To be eligible for this benefit, an employee must be in a
10 regular position and be scheduled for a minimum of forty (40) hours per pay period and
11 be paid for a minimum of one half plus one of the scheduled hours, or be on an approved
12 leave designated as Family Medical Leave Act, or be on an approved Military Leave.

13 (2) Enrollment in the Plan is limited to the annual open enrollment
14 period or within thirty (30) calendar days of entry into an eligible position. Failure to submit
15 participation agreement within the time frame shall result in an election to not participate
16 in the Plan.

17 (3) Enrollment is required every Plan Year.

18 (4) An employee must elect to contribute to DCAP through salary
19 reduction on forms approved by the Human Resources, Employee Benefits and Services
20 Division Chief. An employee election to participate shall be irrevocable for the remainder
21 of the Plan Year. Once a salary reduction has begun, in no event will changes in elections
22 be permitted during the Plan Year except to the extent permitted under Internal Revenue
23 Service rulings and regulations and with the County’s Plan Document. Examples of mid-
24 year “Change in Status” events include: marriage, divorce, birth, adoption, death, overage
25 dependent, loss of student status, the employee’s or employee’s spouse’s reduction in
26 work hours, loss of spouse’s employment, significant increase or decrease in the cost of
27 child care, and spouse’s or dependent’s enrollment in a similar plan. The employee must
28 submit a request for a change due to a mid-year Change in Status event within thirty (30)

1 days of the qualifying event. The Human Resources Employee Benefits and Services
2 Division Chief, or his/her designee, will authorize changes provided the change is made
3 on account of and is consistent with an employee's Change in Status Event.

4 (5) Pursuant to IRC Section 125, any amounts remaining in the
5 employee's account at the end of a Plan Year must be forfeited. The County will use any
6 forfeited amounts to help defray the Plan's administrative expenses.

7
8 SECTION 22. Subsection 13.0614(c) of the San Bernardino County Code
9 is repealed.

10
11 SECTION 23. Subsection 13.0614(d) of the San Bernardino County Code
12 is repealed.

13
14 SECTION 24. This ordinance shall take effect immediately upon adoption,
15 pursuant to the provisions of Government Code section 25123.

16
17 

18 BILL POSTMUS, Chairman
19 Board of Supervisors

20
21 SIGNED AND CERTIFIED THAT A COPY
22 OF THIS DOCUMENT HAS BEEN DELIVERED
23 TO THE CHAIRMAN OF THE BOARD

24 DENA SMITH, Interim Clerk of the
25 Board of Supervisors
26
27
28

1
2
3
4 STATE OF CALIFORNIA

5 COUNTY OF SAN BERNARDINO

)
) ss.
)

6 I, DENA SMITH, Interim Clerk of the Board of Supervisors of the County of
7 San Bernardino, State of California, hereby certify that at a regular meeting of the Board
8 of Supervisors of said County and State, held on the 19th day of July, 2005,
at which meeting were present Supervisors:

9 Postmus, Biane, Hansberger, Gonzales,
10 _____
11 _____

12 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
13 wit:

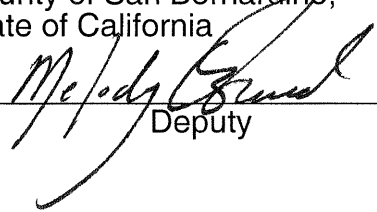
14 AYES: SUPERVISORS: Postmus, Biane, Hansberger, Gonzales

15 NOES: SUPERVISORS: None

16 ABSENT: SUPERVISORS: Ovitt

17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
18 official seal of the Board of Supervisors this 19th day of July, 2005.

19 DENA SMITH, Interim Clerk of
20 the Board of Supervisors of the
21 County of San Bernardino,
22 State of California


Deputy

23 APPROVED AS TO LEGAL FORM:
24 RONALD D. REITZ, County Counsel

25 By: 
26 Deputy County Counsel

27 Dated: 7/8/05
28 _____